ESTTA Tracking number:

ESTTA748599

Filing date:

05/26/2016

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Salt Life, LLC		
Entity	Limited Liability Company	Citizenship	Georgia
Address	322 South Main Street Greenville, SC 29601 UNITED STATES		

Attorney informa-	Jason A. Pittman
tion	Dority & Manning, P.A.
	75 Beattie PI Suite 1100
	Greenville, SC 29601
	UNITED STATES
	jpittman@dority-manning.com, pworkman@dority-manning.com, jk-
	loiber@dority-manning.com Phone:864-271-1592

Applicant Information

Application No	86830904	Publication date	05/17/2016
Opposition Filing Date	05/26/2016	Opposition Peri- od Ends	06/16/2016
Applicant	Gruenenfelder, Robert 711 A hwy 68 Sweetwater, TN 37874 UNITED STATES		

Goods/Services Affected by Opposition

Class 025. First Use: 0 First Use In Commerce: 0
All goods and services in the class are opposed, namely: t-shirts; sweat shirts

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)	
Dilution by blurring	Trademark Act Sections 2 and 43(c)	

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	3762960	Application Date	08/06/2009
Registration Date	03/23/2010	Foreign Priority Date	NONE
Word Mark	SALT LIFE		

Design Mark	SH-The
Description of Mark	The mark consists of the words "SALT LIFE".
Goods/Services	Class 016. First use: First Use: 2003/10/00 First Use In Commerce: 2003/10/00 Stickers Class 025. First use: First Use: 2003/10/00 First Use In Commerce: 2003/10/00
	Caps; Shirts; Surf wear

U.S. Registration No.	2959429	Application Date	09/04/2003
Registration Date	06/07/2005	Foreign Priority Date	NONE
Word Mark	SALT LIFE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2003/10/02 First Use In Commerce: 2003/10/02 Clothing and apparel, namely, caps, shirts, T-shirts, [underwear, socks, pants, sweaters, jackets, shoes, sandals,] bathing suits, Bermuda shorts, walking shorts, [wet suits,] swim trunks, caps with visors, visors, fleece pullovers, sweat shirts, surf wear, [briefs, boxer briefs, panties, wind resistant jackets]		

U.S. Registration No.	4627064	Application Date	03/22/2013
Registration Date	10/28/2014	Foreign Priority Date	NONE
Word Mark	SALT LIFE		
Design Mark	SAL	ΓL	IFE
Description of Mark	NONE		
Goods/Services		, shirts, T-shirts, short	se In Commerce: 2003/10/02 s, swim trunks, visors, fleece andanas, sun sleeves,

U.S. Registration No.	4562190	Application Date	10/09/2012
Registration Date	07/08/2014	Foreign Priority Date	NONE
Word Mark	SALT LIFE		
Design Mark			Pro
Description of Mark	The mark consists of the work poles between the "Salt" and crossed fishing poles.		
Goods/Services	Class 025. First use: First Us Clothing, namely, shirts, swea		se In Commerce: 2007/01/05

U.S. Registration No.	4852462	Application Date	10/20/2014
Registration Date	11/10/2015	Foreign Priority Date	NONE
Word Mark	LIVE THE SALT LIFE		
Design Mark	LIVE TH	E SALT	ΓLIFE
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2011/01/01 First Use In Commerce: 2011/01/01 Men's, women's clothing and apparel, namely, caps, shirts, T-shirts, Pants, Bathing Suits, Bermuda Shorts, Shorts, SwimTrunks, Hats, Caps with visors, Fleece Pullovers, Sweat Shirts, Surf Wear; Athletic apparel, namely, shirts, hats, caps		

Attachments	77798829#TMSN.png(bytes) 85883591#TMSN.png(bytes) 85749357#TMSN.png(bytes) 86428849#TMSN.png(bytes)
	Notice of Opposition.pdf(143560 bytes)

Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/s/Jason A. Pittman
Name	Jason A. Pittman
Date	05/26/2016

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of trademark application Serial No. 86/830,904

Salt Life, LLC)
	Opposer,) Opposition No
) Serial No. 86/830,904
V.)) Mark:
Robert Gruenenfelder		
	Applicant.	Spryan (Pro

NOTICE OF OPPOSITION

Salt Life, LLC ("Opposer"), a limited liability company organized under the laws of Georgia having a place of business at 322 South Main Street, Greenville, SC, 29601, will be damaged by registration of U.S. Application Serial No. 86/830,904 for the alleged mark

(referred to herein sometimes as the "Applicant's Mark") for "T-shirts; sweat shirts" in International Class 025, filed by Robert Gruenenfelder ("Applicant") on November 24, 2015, and hereby opposes registration of the same pursuant to § 13 of the Lanham Act (15 U.S.C. § 1063).

As grounds in support of its Notice of Opposition, Opposer asserts as follows:

Upon information and belief, Robert Gruenenfelder is the owner of U.S.
 Trademark Application Serial No. 86/830,904 ("the '904 application"), filed on November 24,

2015, for the alleged mark for "T-shirts; sweat shirts" in International Class 025.

- 2. Upon information and belief, the '904 application was filed on an intent to use basis.
- 3. The '904 application was published for opposition on May 17, 2016 in the *Official Gazette* of the United States Patent and Trademark Office.
- 4. Since long prior to the November 24, 2015 filing date of the '904 application, Opposer and/or its predecessors in interest have used, advertised, and promoted the mark SALT LIFE as a trademark, service mark, and/or have analogous usage in a trademark or service mark sense or alternatively in a trade name sense, or use analogous to trademark, service mark or trade name usage, in commerce and/or in interstate commerce, in connection with various products related to the field of clothing and apparel and in connection with other products and/or services.
- 5. Opposer owns extensive common law rights to its SALT LIFE marks. Opposer also owns United States trademark registrations on the principal register for its SALT LIFE marks, including at least the following United States trademark registrations.

Trademark	U.S. Trademark	Filing Date	Date of First Use in	International Class &
	Registration No.		Commerce	Goods/Services
SHIPE	3,762,960	August 6, 2009	October 2003	Class 16: Stickers Class 25: Caps, shirts, surf wear.
SALT LIFE	2,959,429	September 4, 2003	October 2003	Class 25: Clothing and apparel, namely,

				caps, shirts, T- shirts, bathing suits, Bermuda shorts, walking shorts, swim trunks, caps with visors, visors, fleece pullovers, sweat shirts, surf wear.
SALT LIFE	4,627,064	March 22, 2013	October 2003	Class 25: Clothing, namely, hats, caps, shirts, T- shirts, shorts, swim trunks, visors, fleece pullovers, sweat shirts, surf wear, jackets, pants, bandanas, sun sleeves, dresses and footwear.
SHE PRO	4,562,190	October 9, 2012	January 2007	Class 25: Clothing, namely, shirts, sweat shirts and caps.

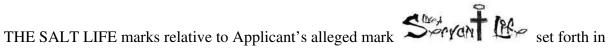
6. Since long prior to the November 24, 2015 filing date of the '904 application,
Opposer and/or its predecessors in interest have used, advertised, and promoted the mark LIVE
THE SALT LIFE as a trademark, service mark, and/or have analogous usage in a trademark or
service mark sense or alternatively in a trade name sense, or use analogous to trademark, service
mark or trade name usage, in commerce and/or in interstate commerce, in connection with

various products related to the field of clothing and apparel and in connection with other products and/or services.

7. Opposer owns extensive common law rights to its LIVE THE SALT LIFE marks. Opposer also owns United States trademark registrations on the principal register for its LIVE THE SALT LIFE marks, including at least the following United States trademark registration.

Trademark	U.S.	Filing Date	Date of First	International
	Trademark		Use in	Class &
	Registration		Commerce	Goods/Services
	No.			
LIVE THE SALT LIFE	4,852,462	October 20, 2014	January	Class 25: Men's,
			2011	women's
				clothing and
				apparel, namely,
				caps, shirts, T-
				shirts, Pants,
				Bathing Suits,
				Bermuda Shorts,
				Shorts, Swim
				Trunks, Hats,
				Caps with visors,
				Fleece Pullovers,
				Sweat Shirts,
				Surf Wear;
				Athletic apparel,
				namely, shirts,
				hats, caps.

- 8. The registrations referenced above are valid and subsisting, in full force and effect, and constitute prima facie and/or conclusive evidence of Opposer's exclusive right to use the marks in commerce in connection with the goods specified in the registrations.
 - 7. Opposer has priority of use in all respects for its SALT LIFE marks and LIVE



the '904 application as used in conjunction with various products and services, including clothing, caps, shirts, T-shirts, Bermuda shorts, surf wear, sweatshirts and other products and services.

- 8. Opposer's SALT LIFE marks and LIVE THE SALT LIFE marks are inherently distinctive and have acquired distinctiveness through the long, continuous, and exclusive use of the SALT LIFE marks and LIVE THE SALT LIFE marks so that consumers associate the SALT LIFE marks and LIVE THE SALT LIFE marks with a single source.
- 9. Opposer and its predecessors have generated significant revenue through the sale of products bearing the SALT LIFE marks and LIVE THE SALT LIFE marks to consumers across the U.S.
- 10. Opposer and its predecessors have made substantial investment in advertising, marketing, and promoting Opposer's goods under Opposer's SALT LIFE marks and LIVE THE SALT LIFE marks. Opposer and its predecessors have extensively used, advertised, promoted, and offered Opposer's goods bearing Opposer's SALT LIFE marks and LIVE THE SALT LIFE marks to the public through various channels of trade in commerce. Accordingly, Opposer's customers and the public in general have come to know and recognize Opposer's SALT LIFE marks and LIVE THE SALT LIFE marks and to associate the same with Opposer and/or the goods sold by Opposer.
- 11. Opposer and its predecessors have sold and offered for sale goods, including clothing, bearing the SALT LIFE marks and LIVE THE SALT LIFE marks in a trading area of broad geographical scope encompassing the United States, including its territories.

- 12. The SALT LIFE marks and LIVE THE SALT LIFE marks are symbolic of the extensive goodwill and consumer recognition that Opposer has established through substantial expenditures of time, effort and other resources in the advertising and promotion of the goods Opposer sells and offers for sale under the SALT LIFE marks and LIVE THE SALT LIFE marks.
- 13. As a result of Opposer's regular, extensive, and well-publicized use, as well as the above-mentioned advertising, marketing, promotion, and sales, Opposer's SALT LIFE marks and LIVE THE SALT LIFE marks have become famous and are associated exclusively with Opposer and its high quality goods. Indeed, Opposer's marks have become famous within the meaning of 15 U.S.C. § 1125(c) prior to the November 24, 2015 filing date of the '904 application.
- 14. Applicant's mark is confusingly similar in sound, appearance, connotation, and overall commercial impression to Opposer's SALT LIFE marks and LIVE THE SALT LIFE marks. For instance, a side-by-side comparison of the Applicant's mark and one of the SALT LIFE marks and LIVE THE SALT LIFE marks is below.





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- 15. The goods identified under International Class 25 in the '904 application are identical to or closely related to the goods with which Opposer uses its SALT LIFE marks and LIVE THE SALT LIFE marks. For instance, "t-shirts; sweat shirts" as identified in the '904 application are identical to or closely related to T-shirts, sweat shirts, fleece pullovers, shirts, and other products and services offered by Opposer in conjunction with the SALT LIFE marks and LIVE THE SALT LIFE marks.
- Applicant's mark so resembles Opposer's SALT LIFE marks and LIVE THE SALT LIFE marks that registration and use of the salt to be mark sought to be registered by Applicant in the '904 application is likely to cause confusion, mistake or to deceive consumers and lead consumers to believe Applicant's goods and services as designated are goods and services of Opposer, or in some way backed by, sponsored by, franchised by, approved by, associated with, or otherwise connected with the good name and reputation of Opposer, to the damage and injury of the public, and to the damage and injury of Opposer and its goodwill in its SALT LIFE marks and LIVE THE SALT LIFE marks. Registration of the '904 application is thus precluded under Section 2(d) of Lanham Act (15 U.S.C. § 1052(d)).
- 17. Applicant's mark so resembles Opposer's SALT LIFE marks and LIVE THE SALT LIFE marks that registration and use of the Applicant's mark sought to be registered by Applicant in the '904 application will cause dilution of the distinctive qualities of Opposer's SALT LIFE marks and LIVE THE SALT LIFE marks by blurring Opposer's SALT LIFE marks and LIVE THE SALT LIFE marks from association with a single source, namely Opposer. Such dilution will likely cause damage and injury to Opposer and its goodwill in its SALT LIFE marks

and LIVE THE SALT LIFE marks. Registration of the '904 application is thus precluded under Section 13 and Section 43(c) of the Lanham Act (15 U.S.C. §§ 1063; 1125(c)).

WHEREFORE, Opposer believes it will be damaged by registration of Applicant's

mark and prays that the present Notice of Opposition be granted and that registration of the '904 application be denied.

Respectfully submitted,

DORITY & MANNING, P.A.

Date: May 26, 2016 /s/Jason A. Pittman

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Attorney for Opposer

Fax: 864-335-0127

CERTIFICATE OF SERVICE

I hereby certify that on May 26, 2016, I served a true and complete copy of the foregoing

NOTICE OF OPPOSITION on Applicant via First Class Mail, postage prepaid as follows:

Robert Gruenenfelder 711 A Hwy 68 Sweetwater, TN 37874

/s/Jason A. Pittman